

## Department of Planning and Budget 2015 Fiscal Impact Statement

1. **Bill Number:** HB1281

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

2. **Patron:** Spruill

3. **Committee:** Commerce and Labor

4. **Title:** Kill switches for digital devices; definitions, civil penalty.

5. **Summary:** Requires any new cellular phone, tablet device, or other mobile communications device manufactured on or after July 1, 2015, that is sold in the Commonwealth to either be equipped at the time of sale with a preloaded kill switch or be capable of having a kill switch downloaded to the device by an authorized user at no cost. The bill defines a kill switch as a technological solution or functionality provided by the manufacturer or operating system provider that, once initiated and successfully communicated to the digital device, renders the essential features of the digital device inoperable to an unauthorized user when the digital device is not in the possession of an authorized user. A person selling a digital device in violation of this measure is subject to injunctions and civil penalties.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** No state fiscal impact.

8. **Fiscal Implications:** This legislation would require any new cellular phone, tablet device, or other mobile communications device manufactured on or after July 1, 2015, that is sold in the Commonwealth to either be equipped with the capabilities of a kill switch. The Virginia Information Technologies Agency (VITA) indicates that this requirement would impact which devices state agencies would be able to purchase until the option becomes the industry standard. If equipping these devices with kill switches becomes the industry standard, VITA does not anticipate a fiscal impact.

9. **Specific Agency or Political Subdivisions Affected:** All agencies and political subdivisions purchasing an affected device after July 1, 2015.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** California passed a similar requirement in 2014, which may prompt device manufacturers to make kill switches the industry standard.

C: Secretary of Technology

Date: January 29, 2015

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